

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CHAPTER 13

Walter John Altman-Fleming and) CASE NO. 18-55466-LRC
William Tyrone Altman Fleming,)
DEBTORS.)

**CHAPTER 13 TRUSTEE'S
OBJECTION TO CONFIRMATION & MOTION TO DISMISS**

COMES NOW Melissa J. Davey, Chapter 13 Trustee, and objects to confirmation of the plan and files this motion to dismiss under 11 U.S.C. Section 1307(c), for cause, including the following reasons:

1. In accordance with General Order Nos. 18-2015 and/or 22-2017 and the Statement of Rights and Responsibilities, the Debtors' attorney should timely provide proof of Debtor One's \$1,993.34 per month new employment income to the Chapter 13 Trustee. 11 U.S.C. Sections 521(a)(1), 1325(a)(3), 1325(a)(6), 1325(b)(1)(B) and Bankruptcy Rule 1007.

2. The Debtors have failed to provide the Trustee with a copy of the 2017 federal income tax return for the most recent tax year ending immediately before the commencement of the instant case in violation of 11 U.S.C. Section 521(e)(2)(A)(i).

3. Debtors' Schedule I fails to accurately reflect employment information for Debtor Two, preventing the Chapter 13 Trustee from determining whether the Plan complies with 11 U.S.C. Sections 1325 (a)(3), (a)(6), and/or 1325(b)(1)(B).

4. Pursuant to the Debtors' testimony at the meeting of creditors, the Debtors have been domiciled in Georgia for less than 730 days immediately preceding the filing of this case. Pursuant to the Debtors' testimony at the meeting of creditors, the exemptions should be claimed under Federal law. The state statute exemptions utilized by the Debtors are in violation of 11 U.S.C. Section 522(b)(3).

5. The NDGA Local Plan Form requires the appropriate box to be "checked" in order for that section to be effective. In this case, the Plan contains provisions in Section 2.1 of the Plan, but Debtors failed to check the corresponding box for the step, such that the Plan cannot be administered.

6. The Form 122C-1 filed in this case fails to disclose all of the Debtors' income in the six (6) months preceding the filing of this case, in violation of U.S.C. Sections 521(a) and 1325(b). Debtor's Two's gross wage income is \$6,537.00, not \$4,673.00.

Melissa J. Davey, Chapter 13 Trustee
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7. The Trustee requests documentation of the expenses in the amount of \$1,317.00 for Debtor One and \$44.00 for arrearage on a vehicle lease on line 43 of the Form 122C-2 in order to determine whether the expenses are reasonable and necessary. 11 U.S.C. Sections 707(b)(2)(A)(ii)(I) and/or (II) and/or (IV) and/or (V).

WHEREFORE, Trustee moves this Honorable Court to inquire into the above objections at the separately scheduled and noticed confirmation hearing, deny confirmation of the Chapter 13 plan, dismiss the case, and for such other and further relief that this Court deems just and proper.


/s/ William A. Bozarth
William A. Bozarth
Attorney for Chapter 13 Trustee
GA Bar No. 940530

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18-55466-LRC

CERTIFICATE OF SERVICE

This is to certify that I have this day served:

DEBTOR(S):
WALTER JOHN ALTMAN-FLEMING
WILLIAM TYRONE ALTMAN-FLEMING
2716 SANDALWOOD CIRCLE
LOCUST GROVE, GA 30248

DEBTOR(S) ATTORNEY:
SLIPAKOFF & SLOMKA, PC
OVERLOOK III, SUITE 1700
2859 PACES FERRY RD, SE
ATLANTA, GA 30339

in the foregoing matter with a copy of this Objection to Confirmation & Motion to Dismiss by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

Tuesday, May 22, 2018

/s/ 

William A. Bozarth
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